

Amendment under 37 C.F.R. § 1.111
U.S. Application No.: 09/740,954
Attorney Docket No.: Q62391

REMARKS

Upon entry of this amendment, claims 1-23 are all the claims pending in the application. By this Amendment, Applicant amends claims 1-23 solely for the purpose of improved readability; as such they do not narrow the scope of the claim and do not raise any Festo implications.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received: Applicant also thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statement filed on September 4, 2001.

However, the Examiner failed to initial the Information Disclosure Statement, Form 1449A filed on December 21, 2000. Therefore, Applicant respectfully requests that the Examiner initial the appropriate boxes on the Form 1449A indicating that the documents have been reviewed and return this form to the Applicant in the next office action.

Applicant further thanks the Examiner for approving the drawings filed on December 21, 2000.

Claims 1-2, 7-8, 12-14, 19-20 and 22-23 stand rejected under 35 U.S.C. § 102(e) and claims 3-6, 9-11, 15-18 and 21 contain allowable subject matter.

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I. Claim Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-2, 7-8, 12-14, 19-20 and 22-23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,483,932 to Martinez et al. (hereinafter "Martinez").

Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider in view of the comments, which follow. As claims 1 and 13 are independent, the other rejected claims being dependent, this response focuses initially on claims 1 and 13.

Claim 1 recites a unique combination of elements not found in the cited reference, which combination includes the a recitation of:

means for determining a timing for
extracting at least one of said plurality of
images, based on results from said
information.

Applicant submits that the unique combination of claim 1 including at least the claimed means for determining a timing is absent from the Martinez reference. The Examiner asserts that Martinez's means for capturing image frames is equivalent to means for determining a timing as set forth in claim 1 (see page 2 of the Office Action). Applicant respectfully disagrees with the Examiner.

Martinez teaches capturing a plurality of fingerprint image frames (Fig. 3A,) based on the rolling of a finger and knits these images together (col. 15, lines 10 to 30). However, Martinez fails to teach or suggest determining a timing for extracting an image based on the obtained information. In short, there is no extraction of an image from the plurality of images based on the obtained information.

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Therefore, *a means for determining a timing for extracting an image* as set forth in claim 1 is not suggested or taught by Martinez. For at least these reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Martinez. Applicant therefore respectfully requests the Examiner to reconsider and withdraw this rejection of independent claim 1. Also, Applicant respectfully submits that claims 2, 7-8 and 12 are allowable at least by virtue of their dependency on claim 1.

In addition, independent claim 13 contains features similar to the features argued above with respect to claim 1. Therefore, those arguments are respectfully submitted to apply with equal force here. For at least substantially the same reasons, therefore, Applicant submits that claim 13 is patentably distinguishable from Martinez. Also, Applicant respectfully submits that claims 14, 19-20 and 22-23 are allowable at least by virtue of their dependency on claim 13.

II. Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 3-6, 9-11, 15-18 and 21 would be allowable if rewritten in independent form. However, Applicant respectfully holds the rewriting of claims 3-6, 9-11, 15-18 and 21 in abeyance until the arguments presented with respect to independent claims 1 and 13 have been reconsidered.

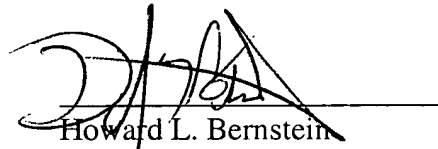
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III. Conclusion and request for telephone interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,


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